

Notice of Allowability

Application No.

10/629,519

Examiner

Stephen J. Stein

Applicant(s)

DIAZ GONZALEZ ET AL.

Art Unit

1775

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Amendment filed August 22, 2005.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


STEPHEN STEIN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE SPECIFICATION

Amend the following after the Title of the Invention:

--CROSS-REFERENCE TO RELATED APPLICATION

The present application is a continuation of International Application No. PCT/ES02/00035 which was filed on January 28, 2002, which claims priority to Spain Application P200100219 filed January 31, 2001.—

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Spain on January 31, 2001. It is noted, however, that applicant has not filed a certified copy of the Spanish application as required by 35 U.S.C. 119(b).

Election/Restrictions

3. Claims 1-12 directed to an allowable product. Pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86), claims 13-16, directed to the process of making or using the patentable product, previously withdrawn from consideration as a

Art Unit: 1775

result of a restriction requirement, are now subject to being rejoined. Claims 13-16 are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in the Office action mailed on October 22, 2004 is hereby withdrawn.

Allowable Subject Matter

4. Claims 1-16 are allowed over the prior art of record.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or suggest a single crystal of potassium ytterbium double wolframate having the formula $\text{KYb}(\text{WO}_4)_2$.

The closest prior art of record is C. Pjol et al. *Growth and characterization of monoclinic $\text{KGd}_{1-x}\text{REx}(\text{WO}_4)_2$* Optical Materials 13 (1999) pp. 33-40 (Pujol). Pujol discloses a doped single crystal potassium gadolinium double wolframate (tungstnate) of the formula $\text{KGd}_{1-x}\text{REx}(\text{WO}_4)_2$. The gadolinium potassium double wolframate (tungstanate) is doped with a RE^{3+} ion such as Nd, Er, Yb, Tm, Ho and PR where the molar ratio x is one of 0.01, 0.04 and 0.05. While this double wolframate compound may have Yb present as a dopant, the reference also requires that the molar ratio of the dopant relative to the compound is less than 1 (e.g. 0.01, 0.04 and 0.05) and therefore the reference requires that the gadolinium must be present in the disclosed compound. Applicants claims require a single crystal $\text{KYb}(\text{WO}_4)_2$ which may be optionally doped. Since Pujol reference requires that the Gadolinium be present as part of the compound

Art Unit: 1775

sand the Yb is only present as dopant in low molar concentrations, the references fails to anticipate the single crystal compound claimed by applicants.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is 571-272-1544. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones can be reached by dialing 571-272-1535. The official fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 3, 2005



Stephen J. Stein
Primary Examiner
Art Unit 1775